

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Interconnection and Resale Obligations	)	CC Docket No. 94-54
Pertaining to	)	
Commercial Mobile Radio Services	)	
	)	
Revision of the Commission's Rules	)	CC Docket No. 94-102
To Ensure Compatibility with	)	RM-8143
Enhanced 911 Emergency Calling Systems	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	RM-8535
	)	
Guidelines for Evaluating the Environmental	)	ET Docket No. 93-62
Effects of Radiofrequency Radiation	)	

To: The Commission

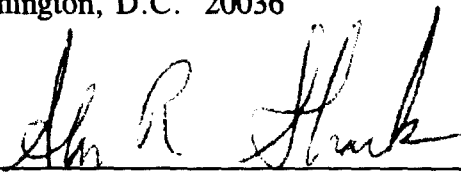
**PETITION FOR DECLARATORY RULING**

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION, INC.**

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December 16, 1996

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## SUMMARY

The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully requests the Commission to issue a declaratory ruling to remove the ambiguity surrounding the definition of "covered SMR" in the resale and roaming, 911 and E911, number portability and radiofrequency emission guideline proceedings.

The proceedings at issue specify, respectively, what resale and roaming obligations, 911 and E911 requirements, number portability requirements and radiofrequency emission guidelines are applicable to CMRS operators, and distinguish, for these purposes, between two categories of CMRS licensees. The first category includes cellular, broadband PCS and so-called "covered SMR providers". The second consists of all CMRS licensees not included in the first category, including SMR providers that do not satisfy the covered SMR definition. Licensees in the first category are subject to certain obligations in each of the regulatory areas addressed in these proceedings, while those in the second generally are exempt from those responsibilities. All of the proceedings include essentially identical definitions of "covered SMR providers" and use similar reasoning for differentiating them from SMR licensees not so categorized.

AMTA agrees with the Commission's reasoning, and supports the line of demarcation within the SMR industry articulated in the subject proceedings. However, the Association submits that there is a discrepancy between the FCC's policy analysis and the covered SMR provider definition adopted in these proceedings. The current covered SMR provider definition does not accurately reflect the distinction articulated in the Orders between SMR systems that were and were not intended to be subject to the rules at issue.

This incongruity results in uncertainty as to which SMR licensees are subject to the new requirements. Issuance of a declaratory ruling in this case is proper. It would remove the uncertainty as to which segments of the SMR industry will be subject to these fundamental regulatory obligations. Timely clarification of this matter is critical, since 900 MHz MTA licensees are actively undertaking system implementation, while those interested in the 800 MHz and 220 MHz bands are developing business plans for participating in the upcoming auctions. Their ability to plan their future endeavors with any reasonable degree of certainty will be seriously compromised if these regulatory issues remain unclear.

AMTA believes that the language refinement attached hereto accurately reflects the fundamental distinction between traditional and cellular/PCS-competitive SMR systems. It is fully consistent with the policies articulated by the Commission in distinguishing between covered and non-covered SMR providers.

Accordingly, AMTA respectfully requests that the Commission remove the uncertainty clouding these various proceedings by refining its definition of covered SMRs consistent with the proposal attached hereto. Such a refinement would clarify that only SMRs capable of competing with cellular and PCS are defined as "covered" for purposes of these rules.

In accordance with Section 554(e) of the Administrative Procedure Act<sup>1/</sup> and pursuant to Federal Communications Commission ("FCC" or "Commission") Rule Section 1.2,<sup>2/</sup> the American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully requests the Commission to issue a declaratory ruling to remove the ambiguity surrounding the definition of "covered SMR" in the resale and roaming,<sup>3/</sup> 911 and E911,<sup>4/</sup> number portability<sup>5/</sup> and radiofrequency emission guideline<sup>6/</sup> proceedings. In support thereof, AMTA submits the following:

## **I. AMTA'S STANDING**

1. AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry.<sup>7/</sup> The Association's members include trunked and conventional 800 MHz and 900 MHz Specialized Mobile Radio ("SMR") Service operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz band. Collectively, these members provide commercial wireless services throughout the country.

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<sup>1/</sup> Administrative Procedure Act, 5 U.S.C. § 554(e) (1996).

<sup>2/</sup> 47 C.F.R. § 1.2.

<sup>3/</sup> First Report and Order, CC Docket No. 94-54, 11 FCC Rcd \_\_\_\_ (rel. July 12, 1996) ("Resale Order").

<sup>4/</sup> Report and Order, CC Docket No. 94-102, 11 FCC Rcd \_\_\_\_ (rel. July 26, 1996) ("E911 Order").

<sup>5/</sup> First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 95-116, 11 FCC Rcd \_\_\_\_ (rel. July 2, 1996) ("Number Portability Order").

<sup>6/</sup> Report and Order, ET Docket No. 93-62, 11 FCC Rcd \_\_\_\_ (rel. Aug. 1, 1996) ("RF Order").

<sup>7/</sup> These entities had been classified as private carriers prior to the 1993 amendments to the Communications Act. See Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI § 6002 (b), 107 Stat. 312, 392 ("Budget Act").

Those that offer any interconnection capability on their systems are classified as Commercial Mobile Radio Service ("CMRS"), rather than Private Mobile Radio Service ("PMRS"). Thus, AMTA and its members have a significant interest in each of the referenced proceedings, as each defines regulatory obligations and/or technical requirements imposed on certain identified segments of the CMRS marketplace, including covered SMR providers.

## **II. BACKGROUND**

2. The proceedings at issue specify, respectively, what resale and roaming obligations,<sup>8/</sup> 911 and E911 requirements,<sup>9/</sup> number portability requirements<sup>10/</sup> and radiofrequency emission guidelines<sup>11/</sup> are applicable to CMRS operators, and distinguish, for these purposes, between two categories of CMRS licensees. The first category includes cellular, broadband PCS and so-called "covered SMR providers". The second consists of all CMRS licensees not included in the first category, including SMR providers that do not satisfy the covered SMR definition. Licensees in the first category are subject to certain obligations in each of the regulatory areas addressed in these proceedings, while those in the second generally are exempt from those responsibilities.

3. All of the proceedings include essentially identical definitions of "covered SMR providers" and use similar reasoning for differentiating them from SMR licensees not so categorized. For example, in the Commission's CMRS Resale Order, the FCC explained that

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<sup>8/</sup> Resale Order.

<sup>9/</sup> E911 Order.

<sup>10/</sup> Number Portability Order.

<sup>11/</sup> RF Order.

it intended to distinguish between those SMR providers that "have significant potential to compete directly with cellular and broadband PCS providers in the near term."<sup>12/</sup> By contrast, the FCC made clear that it did not intend to impose the same obligations on "local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration, as well as licensees offering only data, one-way, or stored voice services on an interconnected basis."<sup>13/</sup> The Commission further explained:

"[C]overed SMR providers" include two classes of SMR licensees. First, the resale rule will extend to 800 MHz and 900 MHz SMR licensees that hold geographic area licenses. Second, the rule will cover incumbent wide area SMR licensees, defined as licensees who have obtained extended implementation authorizations in the 800 MHz and 900 MHz SMR service, either by waiver or under Section 90.629 of our rules. Within each of these classes, "covered SMR providers" includes only licensees that offer real-time, two-way switched voice service that is interconnected with the public switched network, either on a stand-alone basis or packaged with other telecommunications services.<sup>14/</sup>

4. The E911 Order also endeavored to craft rules that would reflect the distinction between these types of wireless systems. In it, the Commission stated:

While some traditional SMRs are treated as CMRS because they are interconnected to the public switched network, we do not intend to require them to implement E911. We find that costs of implementing E911 for local SMRs would outweigh the benefits and, as AMTA argues, imposing this obligation on

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<sup>12/</sup> Resale Order at ¶ 19.

<sup>13/</sup> Id.

<sup>14/</sup> Id.

them may give them the incentive to eliminate their interconnection, which would not be in the public interest.<sup>15/</sup>

The Order also concluded, however, that:

...certain [SMR] providers should be subject to the E911 requirements and schedule imposed on cellular and broadband PCS because these carriers may have significant potential to offer near-term direct competition to cellular and broadband PCS carriers.<sup>16/</sup>

5. The Order in the Number Portability proceeding also clarified that the Commission did not adopt a number portability schedule for certain categories of CMRS providers, including SMR operators that are not included in the covered SMR provider definition, because:

...such services currently will have little competitive impact on competition between providers of wireless telephony service or between wireless and wireline carriers. Because local SMR licensees offering mainly dispatch services to specialized customers in a non-cellular system configuration do not compete substantially with cellular and broadband PCS providers, we also exclude them from the number portability requirements we adopt today.<sup>17/</sup>

6. In adopting guidelines regarding exposure criteria for portable and mobile devices in the RF Order, the Commission endeavored to distinguish between those devices used under "occupational/controlled" versus "general population/uncontrolled" conditions.<sup>18/</sup> The RF Order identified devices falling within the former category as those designed for use in the workplace, with typically low duty factors and shielding for mobiles, in particular "push to talk" mobiles

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<sup>15/</sup> E911 Order at ¶ 81.

<sup>16/</sup> Id.

<sup>17/</sup> Number Portability Order at ¶ 156.

<sup>18/</sup> RF Order at ¶ 68.

and portables such as those used in taxicab, business, and public safety operations.<sup>19/</sup> It contrasted such units with devices designed to be purchased and used primarily by consumers, such as cellular telephones and personal communications devices that frequently have higher duty factors.<sup>20/</sup> The former will be subject to the limits applicable to controlled environments, while the latter will be governed by more restrictive exposure criteria appropriate for general population/uncontrolled use devices.

7. AMTA agrees with the Commission's reasoning, and supports the line of demarcation within the SMR industry articulated in the subject proceedings. However, the Association submits that there is a discrepancy between the FCC's policy distinction and the covered SMR provider definition adopted in these proceedings. This inconsistency results in uncertainty as to which SMR licensees are subject to the new requirements.

### **III. THE DISCREPANCY BETWEEN THE COVERED SMR PROVIDER DEFINITION AND THE FCC'S POLICY DETERMINATION SHOULD BE RESOLVED BY THE ISSUANCE OF A DECLARATORY RULING.**

#### **A. Issuance of a Declaratory Ruling Would Remove the Uncertainty as to Which Segments of the SMR Industry will be Subject to These Fundamental Regulatory Obligations.**

8. Issuance of a declaratory ruling in this case is proper, as it would remove the uncertainty as to which segments of the SMR industry will be subject to these fundamental regulatory obligations. For example, the Commission found it appropriate to use a declaratory ruling to address the issue of whether payphones used only by inmates in correctional facilities

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<sup>19/</sup> Id. at ¶¶ 67-8.

<sup>20/</sup> Id.



are customer premises equipment.<sup>21/</sup> Moreover, in that instance, as in the instant situation, the FCC considered the policy concerns underlying the payphone exclusion in its rules in assessing the applicability of the exclusion to inmate-only payphones. In contrast, Sprint Communications Company LP's petition for declaratory ruling was denied because the 800 and inbound service bundling restrictions were unequivocally applied only to certain of AT&T's bundled offerings.<sup>22/</sup> There was no language in the text of the respective orders that might lend itself to a different interpretation.<sup>23/</sup>

9. AMTA has filed Petitions for Reconsideration raising this same issue in all of the above-referenced proceedings. However, as the Commission is well aware, each of these rule makings involves complex balancings of regulatory opportunities and obligations affecting a large number of entities. Not surprisingly, a number of Petitions for Reconsideration have been filed in response to various aspects of each of these FCC decisions. Resolution of those Petitions will require thoughtful Commission analysis and, therefore, is not likely to be finalized in the short-term future. However, timely clarification of the covered SMR provider definition is critical. 900 MHz MTA licensees are actively undertaking system implementation, while those interested in the 800 MHz and 220 MHz bands are developing business plans for participating in the upcoming auctions. Their ability to plan these efforts with any reasonable degree of certainty will be seriously compromised if this regulatory uncertainty is not resolved expeditiously.

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<sup>21/</sup> Declaratory Ruling, RM-8181, 11 FCC Rcd 7362 (1996).

<sup>22/</sup> Memorandum Opinion and Order, CC Docket No. 90-132, 8 FCC Rcd 5046 (1993).

<sup>23/</sup> Id. at ¶ 20.

**B. The Current Covered SMR Provider Definition is Overly Inclusive.**

10. The current covered SMR provider definition does not accurately reflect the distinction articulated in the Orders between SMR systems that were and were not intended to be subject to the rules at issue. In fact, it is significantly more encompassing than the language of the Orders themselves. The definition articulated in the rules would include numerous SMR licensees whose system configurations are incapable of providing, and are not intended to provide, competition to cellular or broadband PCS offerings. Contrary to the FCC's express intention, it will encompass a large number of operators that provide precisely the primarily dispatch service, oriented toward the business rather than consumer marketplace, and provided in the non-cellular-like system configuration the FCC has determined should not be subject to these particular CMRS obligations.

11. As currently drafted, the definitions adopted in these proceedings appear to include every SMR providing a voice service with any interconnection capability that holds a geographic, as opposed to site-specific, license, as well as those that are authorized for extended implementation. For example, Rule Sections 20.3 and 20.12 associated with the Resale Order state:

20.3 Definitions -- Incumbent Wide Area SMR Licensees. Licenses who have obtained extended implementation authorizations in the 800 MHz or 900 MHz service, either by waiver or under Section 90.629 of these rules, and who offer real-time, two-way voice service that is interconnected with the public switched network.<sup>24/</sup>

20.12(a) Scope of Section. This Section is applicable only to providers of Broadband Personal Communications Services (Part 24, Subpart E of this chapter), providers of Cellular Radio Telephone Service (Part 22, Subpart H of

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<sup>24/</sup> 47 C.F.R. § 20.3.

*this chapter), providers of Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands that hold geographic area licenses (included in Part 90, Subpart S of this chapter) and offer real-time, two-way voice service that is interconnected with the public switched network, and Incumbent Wide Area SMR Licensees.*<sup>25/</sup>

Rule Section 20.18(a) associated with the E911 Order repeats this language:

*The following requirements are only applicable to Broadband Personal Communications Services (Part 24, Subpart E of this chapter) and Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), Geographic Area Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in Part 90, Subpart S of this chapter) and offer real-time, two-way voice service that is interconnected with the public switched network, and Incumbent Wide Area SMR Licensees.*<sup>26/</sup>

The Note to Table 1 at Rule Section 1.1307 associated with the RF Radiation Order includes the same language and refers directly to 20.3 (modified by the Resale Order):

*\*Note: "Covered" SMR providers includes geographic area SMR licensees in the 800 MHz and 900 MHz bands that offer real-time, two-way switched voice service that is interconnected with the public switched network and Incumbent Wide Area SMR licensees, as defined in § 20.3 of this chapter.*<sup>27/</sup>

Rule Section 52.11 associated with the Number Portability Order, adds to the uncertainty as it refers back to the Resale Order, not to the rules associated with the Resale Order (Rule Sections 20.3 and 20.12):

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<sup>25/</sup> 47 C.F.R. § 20.12(a)(emphasis added).

<sup>26/</sup> 47 C.F.R. § 20.18(a)(emphasis added).

<sup>27/</sup> 47 C.F.R. § 1.1307, Note to Table 1; and referenced in §§ 2.1091(c) and 2.1093(c).

By December 31, 1998, all cellular, broadband PCS, and covered SMR providers (as defined in Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, First Report and Order, CC Docket 94-54, FCC 96-263 (adopted June 12, 1996)) must have the capability to obtain routing information.....<sup>28/</sup>

It is therefore unclear whether the policy articulated in the text of the Resale Order or whether the delineation set out in the associated rules is intended to define which SMRs are subject to the Number Portability requirements set forth in Rule Section 52.11.

12. It already is apparent that application of the current covered SMR provider definition will yield results clearly contrary to the FCC's policy objective. For example, the FCC recently conducted an auction for already encumbered 900 MHz SMR spectrum in which it granted geographic licenses based on Major Trading Areas ("MTAs"). Each winner was awarded the right to operate on ten 12.5 kHz channels, or a total of 250 kHz of spectrum, throughout the MTA, except in those areas in which a co-channel incumbent was already authorized to operate. A number of auction participants, and a significant percentage of successful small business bidders, were incumbents seeking to protect their ongoing operations by acquiring the right to the so-called "white space" in the MTA outside their existing operating areas. These parties had no choice except to acquire a geographic license if they wanted to ensure any expansion opportunity on their channels and prevent potential interference from an unrelated co-channel MTA licensee. They continue to provide the traditional, primarily dispatch SMR service the Commission intended to exempt from new obligations.

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<sup>28/</sup> 47 C.F.R. § 52.11(b). The term "covered SMR providers" is also used in §§ 52.11(a) and (e).

13. Because MTA authorizations were the only option available, these parties are now classified as "geographic area" licensees and, if interconnected on even one channel, fall within the covered SMR provider definition. However, they harbor no illusions about their competitive posture vis-a-vis cellular or broadband PCS. By comparison with their 250 kHz of capacity, each cellular licensee has 25 MHz of spectrum and PCS operators will enjoy either 10 or 30 MHz. There is no technology that would enable a licensee with 250 kHz of spectrum to deploy a system that would support the multi-site channel reuse and seamless interconnected handoff capability that enable cellular and PCS operators to target a consumer-oriented, mass market. Yet the definitions in these rules would classify such systems as covered SMRs if they offered interconnect capability to a single mobile unit. That result is entirely inconsistent with the FCC's express intention.<sup>29/</sup>

14. AMTA anticipates that virtually all future SMR licenses, whether in the 800 MHz, 900 MHz, 220 MHz or other bands, will be awarded by auction. It further assumes that these authorizations will be geographic-based since auctions are manageable only when essentially fungible properties are being sold. It is highly unlikely that applicants, including incumbents like those at 900 MHz, will have a choice between a geographic or some less encompassing type of license. In fact, the FCC is actively considering a proposal whereby lower band 800 MHz SMR channels could be licensed and even auctioned on a frequency by frequency basis with a resulting Economic Area ("EA") geographic license.<sup>30/</sup> The licensees of such systems, if

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<sup>29/</sup> Resale Order at ¶ 19 and E911 Order at ¶ 81.

<sup>30/</sup> First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking, PR Docket No. 93-144, 11 FCC Rcd 1463, ¶¶ 257 - 403 (1995).

interconnected at all, would fall within the current definition of covered SMRs although they would control only 50 kHz of spectrum over a few counties, further excluding areas already covered by incumbents. Again, this would be expressly contrary to the FCC's avowed intention.

**C. "Covered SMR" Provider Should Be Defined Based on the Service Offered.**

15. The covered SMR definition as articulated in the rules associated with the subject Orders inadvertently includes many of the very SMR systems that the FCC intended not to burden with these obligations. In an effort to reconcile the FCC's rules with its articulated policy, AMTA has endeavored to determine what factors distinguish traditional SMR systems from those seeking to compete in the consumer-oriented, CMRS mass wireless market.

16. First, unlike traditional, local SMR facilities, all cellular and cellular-like PCS systems, as well as SMR systems seeking to compete with them, have "intelligent" in-network switching capability that permits interconnected calls to be handed off automatically and seamlessly between base stations. This enables subscribers to maintain a telephone conversation as they move throughout the coverage area and are handed automatically from cell to cell. By contrast, the traditional, local SMR provider may offer access to more than a single base station, but does not provide seamless transmission handoff and the interconnection itself may be only half-duplex, or even "push to talk" depending on the particular technology employed.<sup>31/</sup>

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<sup>31/</sup> An interconnected call may even be half-duplex, or "push to talk" depending on the technology in use.

Although both types of systems may permit customers to have interconnected communications throughout a geographic area, the services are readily distinguishable from the subscriber's perspective.

17. Automatic, seamless interconnected call handoff among base stations further assumes that the system is capable of employing multiple cell sites which, in turn, permits frequency reuse. The ability to reuse a frequency at multiple locations throughout a service area, without creating intra-system interference, is another key element in all cellular and cellular-like systems. In conjunction with automatic seamless call handoff, it defines the key parameters of the CMRS systems intended to be subject to the regulatory obligations at issue.

18. AMTA believes that the language refinement attached hereto which incorporates automatic, seamless interconnected call handoff and channel reuse features accurately reflects the fundamental distinction between traditional and cellular/PCS-competitive SMR systems.<sup>32/</sup> It is fully consistent with the policies articulated by the Commission in distinguishing between covered and non-covered SMR providers.

19. Accordingly, AMTA respectfully requests that the Commission eliminate this uncertainty by refining its definition of covered SMRs in the referenced proceedings by substituting the revised language attached hereto for the current rule provisions. The Association also requests the Commission to adopt similar definitions in all proceedings where "covered SMR" is defined.

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<sup>32/</sup> See, Exhibit A which compares the existing rules with the proposed changes.

#### **IV. CONCLUSION**

20. For the reasons described herein, AMTA urges the Commission to issue the declaratory ruling specified.



**AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.'S  
MOTION FOR DECLARATORY RULING**

**Exhibit A: Suggested Clarification to "Covered SMR" Definitions**

## AMTA's SUGGESTED REFINEMENTS TO "COVERED SMR" DEFINITIONS

Rule Sections 20.3 and 20.12 associated with the Resale Order to be modified as follows:

### Section 20.3 Definitions

\* \* \* \* \*

*Incumbent Wide Area SMR Licensees.* Licenses who have obtained extended implementation authorizations in the 800 MHz or 900 MHz service, either by waiver or under Section 90.629 of these rules, and who offer real-time, two-way ~~interconnected~~ voice service ~~that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations.~~

### Section 20.12 Resale

(a) *Scope of Section.* This Section is applicable only to providers of Broadband Personal Communications Services (Part 24, Subpart E of this chapter), providers of Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), providers of Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands that hold geographic area licenses (included in Part 90, Subpart S of this chapter) and offer real-time, two-way ~~interconnected~~ voice service ~~that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations,~~ and Incumbent Wide Area SMR Licensees.

Rule Section 20.18(a) associated with the E911 Order to be modified as follows:

### Section 20.18 911 Service

(a) The following requirements are only applicable to Broadband Personal Communications Services (Part 24, Subpart E of this chapter) and Cellular Radio Telephone Service (Part 22, Subpart H of this chapter), Geographic Area Specialized Mobile Radio Services in the 800 MHz and 900 MHz bands (included in Part 90, Subpart S of this chapter) and offer real-time, two-way ~~interconnected~~ voice service ~~that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations,~~ and Incumbent Wide Area SMR Licensees.

The Note to Table 1 at Rule Section 1.1307 associated with the RF Radiation Order to be modified as follows:

**§ 1.307 Actions which may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared**

\* \* \* \* \*

**TABLE 1: TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION**

\* \* \* \* \*

\* Note: "Covered" SMR providers includes geographic area SMR licensees in the 800 MHz and 900 MHz bands that offer real-time, two-way ~~switched interconnected~~ voice service ~~that is interconnected with the public switched network using multiple base stations and an intelligent in-network switching facility that permits automatic, seamless interconnected call handoff among base stations,~~ and Incumbent Wide Area SMR Licensees, as defined in § 20.3 of this chapter.

Rule Section 52.11 associated with the Number Portability Order, to be modified as follows:

**52.11 Deployment of Long-Term Database Methods for Number Portability by CMRS Providers**

\* \* \* \* \*

(b) By December 31, 1998, all cellular, broadband PCS, and covered SMR providers (as defined in ~~Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, First Report and Order, CC Docket 94-54, FCC 96-263 (adopted June 12, 1996) § 20.3 of this chapter~~) must have the capability to obtain routing information....

## CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 16th day of December, 1996, caused to be mailed a copy of the foregoing Petition for Declaratory Ruling to the following:

- |   |   |
|---|---|
| * Chairman Reed E. Hundt<br>Federal Communications Commission<br>1919 M Street, N.W., Room 814<br>Washington, D.C. 20554  | * Rosalind K. Allen, Deputy Chief<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 5002<br>Washington, D.C. 20554  |
| * Commissioner James H. Quello<br>Federal Communications Commission<br>1919 M Street, N.W., Room 802<br>Washington, D.C. 20054  | * Karen Gulick, Associate Bureau Chief<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 5002<br>Washington, D.C. 20554                                   |
| * Commissioner Rachelle B. Chong<br>Federal Communications Commission<br>1919 M Street, N.W., Room 844<br>Washington, D.C. 20554                                      | * David Furth, Chief<br>Commercial Wireless Division<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 7002<br>Washington, D.C. 20554                     |
| * Commissioner Susan Ness<br>Federal Communications Commission<br>1919 M Street, N.W., Room 832<br>Washington, D.C. 20054   | * Sandra Danner, Chief<br>Legal Branch<br>Commercial Wireless Division<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 7130-H<br>Washington, D.C. 20554 |
| * Michelle Farquhar, Chief<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 5002<br>Washington, D.C. 20554     |   |
| * Gerald Vaughan, Deputy Chief<br>Wireless Telecommunications Bureau<br>Federal Communications Commission<br>2025 M Street, N.W., Room 5002<br>Washington, D.C. 20554 |   |

  
\_\_\_\_\_  
Linda J. Evans

\*Via Hand Delivery